IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WA.No. 2704 of 2007

AGAINST THE ORDER IN WPC.30532/2007 Dated 16/10/2007
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APPELLANTS/RESPONDENT:
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1. **THE UNIVERSITY OF KERALA,**
   REPRESENTED BY THE REGISTRAR,
   UNIVERSITY BUILDINGS,
   THIRUVANANTHAPURAM.

2. THE VICE CHANCELLOR,
   UNIVERSITY OF KERALA,
   UNIVERSITY BUILDINGS,
   THIRUVANANTHAPURAM.

BY STANDING COUNSEL SRI.M.RAJAGOPALAN NAIR.

RESPONDENT/PETITIONER:

ST.JOHNS B.ED TRAINING COLLEGE,
PERINGALA (P.O),
KAYAMKULAM,
ALAPPUZHA DISTRICT,
REPRESENTED BY THE CHAIRMAN,
PROF.K.M.VARGHESE

BY ADV. MR. GEORGE POONTHOTTAM.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K.M. JOSEPH, J.

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Writ Appeal No. 2704 of 2007

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Dated this the 16th day of November, 2007.

JUDGMENT

H.L.DATTU, CJ,

The interim orders passed by the learned Single Judge in W.P.(C) No.30532 of 2007 dated 16th October, 2007 is the subject matter of this writ appeal at the instance of the University of Kerala, Thiruvananthapuram.

2. The learned Single Judge by the impugned order has directed the University to grant provisional affiliation to the petitioner college to commence the B.Ed. Course for the academic year 2007-2008.

3. Learned counsel appearing for the University would inform us that the learned Judge ought not to have directed the University to grant provisional affiliation, since the respondent College had not obtained recognition from the Regional Committee of National Council for Teacher Education as required under Section 14 of the National Council for Teacher Education Act. Therefore, it is stated that the direction issued by the learned Single Judge is contrary to Section 16 of NCTE Act, 1993.

4. At the time of hearing of this appeal, Sri. George Poonthottam, learned counsel appearing for the respondent College produced before us the recognition granted by the Regional Committee of NCTE dated 7.11.2007.

5. We have carefully perused the recognition so granted by the Regional Committee of the NCTE. We are satisfied that the respondent College has obtained recognition from the Regional Committee of NCTE after the passing of the interim order by this court.

6. In view of the subsequent developments that has taken place after the orders passed by the learned Single Judge, we do not intend to interfere with the orders passed by the learned Single Judge. In the light of the orders passed by the Regional Committee of NCTE dated 7.11.2007, now we issue a direction to the University to grant provisional affiliation to the respondent College to commence the B.Ed. Course of the College for the academic year 2007-2008 within fifteen days from today. The College will inform the students that the provisional affiliation granted is subject to the result of the writ petition. The College will also inform the students admitted to the course that their admission is subject to the final orders, that may be passed in the writ petition. The students shall not claim equities at the time of final hearing of the matter. With the above directions, the Writ Appeal is disposed of.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

sb/DK.